

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DUSTIN FOCKLER,)	
)	
Plaintiff,)	Civil Action No. 05-123 ERIE
)	Judge Sean J. McLaughlin
v.)	Magistrate Judge Baxter
)	
UNITED STATES)	Electronically Filed
MARSHALS SERVICE,)	
)	
Defendant.)	

**DEFENDANT'S MOTION TO EXTEND TIME
FOR FILING A RESPONSIVE PLEADING AND/OR DISPOSITIVE MOTION**

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, defendant United States Marshals Service files the following Motion To Extend Time For Filing a Responsive Pleading And/Or Dispositive Motion and in support thereof state as follows:

1. Prisoner Dustin Fockler filed this *pro se* action on or about April 22, 2005 under the provisions of the Federal Tort Claims Act ("FTCA"), 28 U.S.C. §§ 1346(b), 2671 *et seq.* Plaintiff's Complaint alleges that, on two (2) separate occasions, aircraft that transported him between prisons experienced severe mechanical malfunctions, resulting in emergency landings. Plaintiff alleges that defendant United States Marshals Service is negligent for failing to maintain the aircraft.

2. As a result of defendant's alleged negligence, plaintiff claims that he suffers from Post Traumatic Stress Disorder. He seeks \$2 million in damages.

3. Because plaintiff did not effectuate service until August 25, 2005, defendant's responsive pleading or dispositive motion is currently due on October 24, 2005.

4. Due to the current litigation demands of defense counsel, however, defendant needs a brief extension of time to properly respond to the allegations in the Complaint.

5. Accordingly, defendant hereby requests a thirty (30) day extension of time, or until November 23, 2005, to file its responsive pleading or dispositive motion.

6. This is defendant's first request for an extension of time in this matter.

7. Plaintiff is a *pro se* inmate and, as a result, he has not been contacted regarding his consent or opposition to this motion.

WHEREFORE, defendant United States Marshals Service respectfully requests that the Court issue an Order extending the time for defendant to file a responsive pleading and/or dispositive motion by thirty (30) days, or until November 23, 2005.

Respectfully submitted,

MARY BETH BUCHANAN
United States Attorney

/s/ Megan E. Farrell
MEGAN E. FARRELL
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Western District of PA
U.S. Post Office & Courthouse
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Pittsburgh, PA 15219
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Counsel for defendant United States Marshals
Service

Dated: October 24, 2005

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of October, 2005, a true and correct copy of the within Defendant's Motion To Extend Time For Filing a Responsive Pleading And/Or Dispositive Motion was served, by postage paid U.S. Mail, to and upon the following:

Dustin Fockler
No. 40427-053
FCI McKean
P.O. Box 8000
Bradford, PA 16701

/s/ Megan E. Farrell
MEGAN E. FARRELL
Assistant U.S. Attorney